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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JANINE D. GRIFFIN, R.C.P.
1213 Holly Avenue
Imperial Beach, CA 91932

Respiratory Care Practitioner License
No. RCP 20644

Respondent.

Case No. R-2112

OAH No.

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 2, 2007, Complainant Stephanie Nunez, in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, filed Accusation No. R-2112 against JANINE D. GRIFFIN, R.C.P. (Respondent) before the Respiratory Care Board.

2. On or about February 1, 1999, the Respiratory Care Board (Board) issued Respiratory Care Practitioner License No. RCP 20644 to Respondent. The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2008, unless renewed.

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1 3. On or about November 2, 2007, Andrea Pina, an employee of the Board,
2 served by Certified Mail a copy of the Accusation No. R-2112, Statement to Respondent, Notice
3 of Defense form (two copies), Request for Discovery, and Government Code sections 11507.5,
4 11507.6, and 11507.7 to respondent's address of record with the Board, which was and is 1213
5 Holly Avenue, Imperial Beach, CA 91932. A copy of the Accusation, the related documents,
6 and Declaration of Service are attached as Exhibit A, and are incorporated herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c).

9 5. On or about November 7, 2007, the Board received a signed Certified Mail
10 Return Receipt from the United States Post Office indicating that Accusation No. R-2112, along
11 with all other applicable documents, were received by respondent on November 5, 2007. A copy
12 of the Certified Mail Return Receipt is attached as Exhibit B.

13 6. Government Code section 11506, subdivision (c), states:

14 "The respondent shall be entitled to a hearing on the merits if the respondent files
15 a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
16 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
17 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

18 7. Respondent failed to file a Notice of Defense within 15 days after service
19 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
20 Accusation No. R-2112.

21 8. California Government Code section 11520, subdivision (a), states:

22 "If the respondent either fails to file a notice of defense or to appear at the hearing,
23 the agency may take action based upon the respondent's express admissions or upon other
24 evidence and affidavits may be used as evidence without any notice to respondent."

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1 9. Pursuant to its authority under Government Code section 11520, the Board
2 finds Respondent is in default. The Board will take action without further hearing and, based on
3 Respondent's express admissions by way of default and the evidence before it, contained in
4 exhibits A, B and C, finds that the allegations in Accusation No. R-2112 are true.

5 10. The Respiratory Care Board further finds that pursuant to Business and
6 Professions Code section 3753.5, the costs of investigation and enforcement of the case prayed
7 for in the Accusation total \$1,264.00, based on the Certification of Costs contained in Exhibit C.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Janine D. Griffin,
10 R.C.P., has subjected her Respiratory Care Practitioner License No. RCP 20644 to discipline.

11 2. A copy of the Accusation and the related documents and Declaration of
12 Service are attached.

13 3. The agency has jurisdiction to adjudicate this case by default.

14 4. The Respiratory Care Board is authorized to revoke Respondent's
15 Respiratory Care Practitioner Certificate based upon the following violations alleged in the
16 Accusation:

17 a. On or about April 26, 2007, respondent submitted a drug screen
18 positive for cocaine as part of her application for employment as a respiratory therapist at
19 Maxim Healthcare Services in violation of Business and Professions Code sections 3750,
20 subdivision (g), and 3750.5, subdivisions (a) and (b).

21 5. Respondent is hereby ordered to pay the above costs of investigation and
22 enforcement of this action.

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Respondent is ordered to reimburse the Respiratory Care Board the amount of \$1,264.00, for its investigative and enforcement costs. The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board for its costs.

Respondent's Respiratory Care Practitioner Certificate may not be renewed or reinstated unless all costs ordered under Business and Professions Code section 3753.5 have been paid.

This Decision shall become effective on March 11, 2008.

It is so ORDERED February 8, 2008.

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Exhibit A:	Accusation No. R-2112, Related Documents, and Declaration of Service
Exhibit B:	Certified Mail Return Receipt
Exhibit C:	Certification of Costs: Declaration of Douglas Lee